

# Commonwealth of Massachusetts

**EXHIBIT 10**

to Plaintiff's  
Opposition

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

SUSAN COONEY,  
Plaintiff

Exhibits: 88-112

VS

SAYBROOK GRADUATE SCHOOL  
AND RESEARCH CENTER, and  
MAUREEN O'HARA, Individually,  
Defendants

DOCKET NO.  
04 11572 JLT

DEPOSITION of **DR. KAREN SCHWARTZ**, a Witness called  
by Counsel on behalf of the **Plaintiff**, taken pursuant to the applicable  
provisions of the Massachusetts Rules of Civil Procedure, before Arlene  
Boyer, a Certified Court Reporter and Notary Public in and for the  
Commonwealth of Massachusetts, at the Division of Professional  
Licensure, 239 Causeway Street, Boston, Massachusetts, on Friday,  
April 28, 2006, commencing at 10:30 a.m.

*Accurate Reporting Services*  
36 West Street  
Whitman, MA 02382  
(781) 447-9520

1 Saybrook students. You know, I can't deny that I  
2 might have had e-mail correspondence with somebody  
3 who asked, but I have no recollection.

4 (Exhibit Number 103, Letter from  
5 Susan Cooney to Dr. Schwarz dated  
6 September 27, 2004, was Marked for  
7 Identification.)

8 Q I'm putting before you what I've marked as Exhibit  
9 103 for identification. Can you tell me if you've  
10 seen this document before today's date?

11 A I have.

12 Q What is your understanding of this document?

13 A What happened is that she wanted something in  
14 writing to basically deny her eligibility, and my  
15 recollection of our conversation was that I told  
16 her that if she filed an application for  
17 licensure, it would cost her \$150, she would pull  
18 together a lot of documents, and she would be  
19 denied, period, and that she didn't need to spend  
20 the \$150 to get an answer from the board. She  
21 needed to simply write a letter to the board and  
22 ask them to write back to her about her  
23 eligibility.

24 Q Why did you feel that she would be denied, period,

1 if she submitted an application for licensure?

2 A Because it was 2004 or whatever year it was, 2003,  
3 2004. The regulation had gone into effect  
4 September 1, 2000 saying that she had to be from a  
5 designated doctoral program. She was not from a  
6 designated doctoral program. Therefore, she was  
7 ineligible for licensure.

8 Q Did you ever have a discussion with Susan Cooney  
9 about whether she could work around that licensure  
10 obstacle by obtaining licensure in another  
11 jurisdiction and qualifying for reciprocal  
12 licensure in Massachusetts?

13 A I don't recall a specific conversation with Susan  
14 Cooney about that, but I did have a standard  
15 answer I would have given anybody who asked me  
16 that, and that standard answer is it won't work.

17 Q Why won't it work?

18 A We don't have reciprocity with any other states.

19 MR. MORENBERG: Can you mark this as  
20 104.

21 (Exhibit Number 104, Letter of  
22 Reply from the Board to Susan  
23 Cooney dated October 20, 2004, was  
24 Marked for Identification.)

1 Q Dr. Schwartz, I've put before you what I've marked  
2 as Exhibit 104 for identification. Do you  
3 recognize this document?

4 A Yes, I do.

5 Q What is your understanding of this document?

6 A This is the board's reply to Ms. Cooney's letter  
7 to them dated October 20, 2004.

8 Q What does this letter communicate to Dr. Cooney?

9 A That she's not eligible for licensure in  
10 Massachusetts because she is from a doctoral  
11 program that is not designated.

12 Q Dr. Schwartz, is there anything that Dr. Cooney  
13 could do to qualify for licensure in Massachusetts  
14 other than obtaining a degree from a program in  
15 psychology that's recognized by the ASPPB?

16 A No.

17 Q Was Dr. Cooney's request for a formal  
18 determination from the board discussed by the  
19 members of the board?

20 A Yes.

21 Q Do you know when that occurred?

22 A During the board meeting in October 2004.

23 Q Did the board discuss her request?

24 A They discussed her letter.

1 Q Did they make a determination?

2 A Yes, they did.

3 Q What was their determination?

4 A That we would write a letter back to her telling  
5 her that she was not eligible for licensure.

6 Q Was that done by means of a vote?

7 A I hope so.

8 Q But you were satisfied that the board advised  
9 you --

10 A Absolutely, and it's in the minutes.

11 Q I didn't finish my question, so I just want to  
12 clarify.

13 A Sorry.

14 Q That's okay. You were satisfied that the board  
15 advised you that it was making an official  
16 determination that Ms. Cooney was not in  
17 compliance with 251 CMR 3.03(1), Subparagraph (b),  
18 and was ineligible for licensure in Massachusetts?

19 A Correct.

20 Q You mentioned earlier that the board published  
21 proposed regulatory changes. Do you know where it  
22 published them?

23 A I think you already asked me that, and I already  
24 said I didn't know.

1 Q Other than publishing proposed regulatory changes  
2 in newspapers, are you aware of any other steps  
3 the board takes to notify the public?

4 A At the present time?

5 Q Yes.

6 A We just did a regulatory change with our website  
7 and e-mail and everything capability. For the  
8 first time, we posted it on our website, but  
9 that's the first time we've ever done that.

10 Q So is it fair to say that the board's regulatory  
11 change that was implemented on or about May 2,  
12 1997 was not published on the board's website  
13 prior to that date?

14 A I don't think we had a website then.

15 Q To your knowledge, have any graduates of Union  
16 Institute been licensed by the Board of  
17 Psychologists in Massachusetts after September 1,  
18 2000?

19 A Are you asking have any, or do I know of any?

20 Q Do you know of any?

21 A There are none.

22 Q Do you know if any Saybrook graduates who  
23 submitted applications for licensure after  
24 September 1, 2000 have been licensed as

1 applied?

2 A Well, in the production of the documents for this  
3 deposition, we came up with John Burke's  
4 application. I have no idea if Mr. Finn was  
5 involved in that, and I don't know of another.

6 Q Do you know if the board determined whether John  
7 Burke met the residency requirements of the  
8 board's regulations?

9 A In my review of the documents before today, I  
10 looked at that file, because I was not familiar  
11 with it, and it appeared to me that they failed to  
12 make a determination about the residency in that  
13 file. I believe a mistake was made in that file.

14 Q But you would agree that the board did approve Dr.  
15 Burke's application for licensure as a  
16 Massachusetts psychologist?

17 A In 1995.

18 MR. MORENBERG: Could we mark this.

19 (Exhibit Number 109, A Piece of  
20 John Burke's Application File dated  
21 March 20, 1995, was Marked for  
22 Identification.)

23 Q Dr. Schwartz, I've put before you what I've marked  
24 as Exhibit 109 for identification. Do you